



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate's Case No.: 07MJ8885
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) Title 21, U.S.C., § 841(a)(1)
) Possession with Intent to
Hector ROSALES-Contreras,) Distribute (Felony)
)
Defendant.) **AMENDED**
)

The undersigned complainant being duly sworn states:

That on or about October 27, 2007, within the Southern District of California, defendant Hector ROSALES-Contreras did knowingly and intentionally possess, with intent to distribute approximately 256.96 kilograms (566.5 pounds) of marijuana, Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.


MICHAEL DOCKERY, SPECIAL AGENT
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29TH DAY
OF OCTOBER, 2007.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v**

3 **Hector ROSALES-Contreras**

4 **STATEMENT OF FACTS**

5 I, Special Agent Michael Dockery, declare under penalty of perjury, the following is
6 true and correct to the best of my knowledge:

7 On October 27, 2007, at approximately 6:20 AM, United States Border Patrol
8 (USBP) Senior Patrol Agent (SPA) M. Martinez received a report of a Jeep Cherokee that
9 was traveling north from an area along the Colorado River near the International Boundary
10 separating the United States and Mexico. This area is a very rugged and undeveloped
11 area which is known for the illegal transportation of narcotics and illegal aliens into the
12 United States. SPA Martinez observed the Jeep, later identified as driven by Hector
13 ROSALES-Contreras, traveling north along an unmarked dirt road adjacent to the Colorado
14 River and then onto Andrade Road. SPA Martinez noted that the vehicle had tinted
15 windows and was driving very slowly. SPA Martinez drove her USBP marked patrol unit in
16 behind ROSALES-Contreras' vehicle and initiated a vehicle stop using the vehicle lights
17 and siren. ROSALES-Contreras failed to yield, made a 180 degree turn and drove south
18 on Andrade Road toward Mexico. ROSALES-Contreras then turned back onto the
19 unmarked dirt road while attempting to flee. At this time, USBP Agent C. Miller got behind
20 ROSALES-Contreras and began following him. Agent Miller noted that during this time, the
21 rear window of ROSALES-Contreras' vehicle fell out allowing Agent Miller to clearly see
22 into the back of the vehicle. Agent Miller observed that there were many packages that
23 were brown in color which were consistent with, based on Agent Miller's experience,
24 packaging material used in the smuggling of marijuana. ROSALES-Contreras continued
25 to evade USBP Agents by turning east toward the Colorado River and then back south
26
27
28

1 along the Colorado River. Eventually, ROSALES-Contreras turned down a dead end road
2 and was forced to stop where he was arrested. A passenger in the vehicle, a fourteen year
3 old male, was detained by USBP for immigration status processing.

4 A total of forty bundles were discovered within the back seat, rear seat, and rear
5 storage compartment of the vehicle. DEA Special Agent Michael Dockery probed one of
6 the bundles which field tested positive for marijuana. A total of 256.96 kilograms (566.5
7 pounds) of marijuana was found.

8 DEA Special Agents Michael Dockery and Jeffrey Butler were called and responded
9 to the location. SA Butler, as witnessed by SA Dockery advised ROSALES-Contreras of
10 his Miranda Warnings. ROSALES-Contreras stated he understood and agreed to answer
11 questions.
12

13 ROSALES-Contreras stated he was approached by a Hispanic male he (ROSALES-
14 Contreras) does not know and was told by the man to smuggle the marijuana into the
15 United States or the man would kidnap ROSALES-Contreras' sister. ROSALES-Contreras
16 stated that he knew there was marijuana in the vehicle. Furthermore, ROSALES-
17 Contreras stated that the juvenile passenger was a friend but that he (ROSALES-
18 Contreras) did not know why the juvenile was riding with him.
19
20
21
22
23
24
25
26
27
28